

REMARKS

The Examiner rejected the first independent claim under 35 USC 102(b) as being anticipated by US 3,840,266, Carlson ('266). After thoroughly reviewing the cited reference, it is believed that the claims now in admitted form are clearly not anticipated by the Carlson reference. Further, the Examiner rejected claims 2-19 under 35 USC 103 (a) in view of '266 in combination with the properties of DURAFOAM™ as recited at www.rubberplastics.com/products.htm. It is further believed that the admitted claims above are allowable in the present state for the reasons that are more clearly articulated below.

Claim 1 has been amended to recite that the first and second surfaces define a sealing body width that is a greater distance than a sealing body thickness defined by the third and fourth surfaces. Therefore, it can be appreciated that the rotation about the central longitudinal axis allows for a variation in width to accommodate a variety of situations that can arise when retrofitting a sealing member to a cab and a canopy. The cited reference '266 contains no teaching regarding rotating the sealing body 8 about any axis to accommodate a variety of widths. In fact, the disclosure teaches a sealing tape 16 that is adhered to the outer peripheral surface 13 of the sealing body 8 (see column 2, beginning at line 23). A protective tape 19 is removed when the sealing body is mounted between the vehicle cab 2 and the front wall 5 of the camper body 4 (see column 2, beginning at line 34). Therefore, it is clear that this reference is essentially a negative teaching which clearly only teaches a certain orientation of the sealing body 8 with respect to the canopy and the cab. It is clear that the adhesive portions are adapted to be pressed into sealing engagement with the front wall 5 (see column 2, line 60). In other words, as shown in Fig. 3, there is shown the flange portions 17 that are adapted to adhesively engage to the walls 5 and 6 of the canopy and cab respectively.

Further, the sealing body cross-sectional surface shown in the left-hand portion of Fig. 4 of '266 has a rather long lengthwise axis and a relatively thick width from the lower portion to the upper portion. It appears that the disclosure of '266 would not be able to function by rotating about a center axis to accommodate various widths,

particularly because the teaching in this disclosure is to have the surfaces 14 and 15 engage the walls 5 and 6 of the canopy and cab. Further, Fig. 2, which is taken along line 2-2 of Fig. 1, shows a partial sectional view of the sealing body 8 positioned around the peripheral region of the cab and canopy interface; it is clear that this disclosure only teaches for an embodiment where there appears to be a more uniform longitudinal distance between the surfaces 5 and 6.

As stated in the landmark case *Seymour v. Osborn* 78 U.S. (11 Wall.) 516, a prior publication must contain a full enabling description in order to constitute anticipation. The '266 reference has no teaching related to any rotation of the elongate member to accommodate sealing. Further, there is no motivation to combine references such as the publication www.rubberplastics.com/products.htm because the problems of having varying distances between the cab and canopy members is not addressed in the '266 application.

Claim 1 discloses a sealing member that is adapted to accommodate varying widths between the cab and canopy. With regard to an obviousness-type rejection, non-obviousness is based upon skill in the art. As described in the Inventor's attached declaration, it has been the inventor's experience that when selling the product to certain vendors that sell canopies, the installers did not know how to properly install a sealing member. It was necessary for the inventor to physically show them the installation method for them to understand how it functions. This indicates that the installation is non-obvious for one skilled in the art even when the product is actually in hand. The conclusion of the analysis is that rotating a foam member to provide a constant seal about the perimeter region to accommodate various widths is simply not an obvious solution to the problem of providing a seal. People skilled in the art that may have general knowledge with sealing, such as working with gaskets and the like, generally think that two adjacent surfaces to be sealed should have constant planar sealant surfaces to engage between the two adjacent surfaces to be sealed. In this application, a rotation of the longitudinal member is a counter intuitive step by not having a flat consistent sealant member adjacent to the portions to be sealed (such as that that occurs when rotating the foam member).

It is therefore believed that the claims are in a condition for allowance. If there is any matter which could be expedited by consultation with the Applicant's attorney, such would be welcome. The Applicant's undersigned attorney can normally be reached at the telephone number set forth below.

Signed at Bellingham, County of Whatcom, State of Washington this January 14, 2005.

Respectfully submitted,
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